

## Message Text

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DRAFTED BY: USOAS:BMOON

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FM SECSTATE WASHDC

TO ALL AMERICAN REPUBLIC DIPLOMATIC POSTS

USCINCSO

XMT AMEMBASSY SAN JOSE

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FOLLOWING REPEAT SAN JOSE 3012 SENT SECSTATE DATED JULY 21.

QUOTE

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USDEL 020

EO 11652: NA

TAGS: OCON OAS

SUBJ: SAN JOSE CONFERENCE: RIO TREATY - APPROVAL OF ARTICLES 3 AND 6

REF: A. SAN JOSE 3000 (USDEL 15); B. SA

JOSE 3003 (USDEL 16)

C. SAN JOSE 3011 (USDEL 19)

1. SUMMARY: THE GENERAL COMMITTEE APPROVED TEXTS FOR ARTICLES 3 AND

6 OF THE RIO TREATY AT ITS JULY 21 MORNING SESSION. THE U.S.

DELEGATION SUPPORTED BOTH PROPOSALS. ON MOST OF THE MORNING'S

VOTES PANAMA AND PERU WERE ISOLATED IN OPPOSITION (ABSTAINING).

BRAZIL JOINED THESE TWO ON A NUMBER OF VOTES BECAUSE OF STRICT

INSTRUCTIONS TO SEEK TO AVOID EVEN MINOR ADJUSTMENTS IN THE PRESENT

TREATY. END SUMMARY.

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2. AMENDED TEXTS OF ARTICLES 3 AND 6 OF THE TREATY WHICH WERE  
OVERWHELMINGLY APPROVED THIS MORNING IN THE GENERAL COMMITTEE HAVE  
BEEN SENT (REF C). ARTICLE 6 WAS CONSIDERED F  
RST. AMBASSADOR

CASTILLO ARRIOLA OF GUATEMALA PRODUCED A DRAFT WHICH SIMPLIFIED THE  
TORTUOUS LANGUAGE PROPOSED BY THE SPECIAL COMMITTEE AND ELIMINATED  
MINOR ANOMALIES WHICH THE U.S. DELEGATION HAD POINTED OUT. IN  
FACT, CASTILLO'S DRAFT WAS VERY SIMILAR TO A DRAFT CIRCULATED  
EARLIER BY THE U.S. DELEGATION BUT NOT ACTUALLY INTRODUCED. THE  
TEXT WAS APPROVED, 20 TO 0, WITH ONLY PERU ABSTAINING.

3. ARTICLE 3 PROVED SOMEWHAT MORE DIFFICULT TO DEAL WITH  
TACTICALLY. OVER THE WEEKEND, FACIO AGREED TO WITHDRAW THE COSTA  
RICAN PROPOSAL, WHICH WOULD HAVE ELIMINATED ALL DISTINCTIONS BETWEEN  
EXTRA- AND INTRA-HEMISPHERIC ATTACK, THOUGH HE APPEARED TO HAVE A  
BARE MAJORITY IN FAVOR.

4. AMBASSADOR MAILLARD THEN INTRODUCED AN AMENDMENT TO PARAGRAPH  
3 OF THE SPECIAL COMMITTEE DRAFT, TO MAKE CLEAR THAT THE OBLIGATION  
TO ASSIST IN MEETING AN ATTACK ON ANY PARTY APPLIES REGARDLESS OF  
WHERE THE ATTACK ORIGINATES. HE NOTED THAT ALL THE SPEAKERS SEEMED  
TO AGREE THAT SUCH AN OBLIGATION WAS ALREADY EVIDENT IN THE SPECIAL  
COMMITTEE TEXT, REGARDLESS OF THE ORIGIN OF THE ATTACK; WHY NOT  
MAKE THE OBLIGATION EXPLICIT AND UNAMBIGUOUS?

5. AT THIS POINT NICARAGUAN FOREIGN MINISTER MONTIEL REINTRODUCED  
THE COSTA RICAN TEXT AS HIS OWN, DESPITE FACIO'S WITHDRAWAL. SINCE  
THERE WAS PREVIOUS AGREEMENT OF ALMOST ALL DELEGATIONS TO SEEK  
CONSENSUS ON THE BASIS OF THE SPECIAL COMMITTEE DRAFT RATHER THAN  
FORCE THROUGH THE COSTA RICAN PROPOSAL BY A BARE MAJORITY, THIS  
CAUSED SOME CONFUSION. BUT THE NICARAGUAN PROPOSAL RECEIVED ONLY  
FIVE VOTES (BRAZIL, CHILE, DOMINICAN REPUBLIC, EL SALVADOR AND  
NICARAGUA). THE PERUVIAN PROPOSAL DRAWING GREAT DISTINCTIONS BETWEEN  
ATTACK FROM WITHIN OR OUTSIDE THE HEMISPHERE WAS ALSO DEFEATED IN A  
SERIES OF LOPSIDED VOTES.

6. THE U.S. PROPOSAL WAS THEN APPROVED 17-0, WITH FOAR ABSTENTIOONS  
(PANAMA, BRAZIL, PERU AND COSTA RICA). (COSTA RICA'S ABSTENTION  
WAS APPARENTLY THE RESULT OF A COMMUNICATIONS FOULUP SINCE FACIO HAD  
PREVIOUSLY AGREED TO OUR FORMULA.)  
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7. ARGENTINA PROPOSED TWO AMENDMENTS TO PARAGRAPH 4 OF ARTICLE 3,  
BOTH OF WHICH WERE APPROVED. ONE ELIMINATES THE DISTINCTION BETWEEN  
EXTRA-CONTINENTAL AND INTRA-CONTINENTAL ATTACK IN THE REFERENCE TO  
POSSIBLE COLLECTIVE ACTION BEFORE THE UN. THE OTHER ELIMINATES SPECIFIC  
MENTION OF CHAPTER VI AND VII OF THE UN CHARTER (WHICH DEALS WITH  
PEACEFUL SETTLEMENT OF DISPUTES), SUBSTITUTING "PERTINENT PROVISIONS"

OF THE CHARTER. THE U.S. ABSTAINED ON THE FIRST AND SUPPORTED THE SECOND.

8. THE GENERAL COMMITTEE THEN APPROVED ARTICLE 3, 19-0, WITH PERU AND PANAMA ABSTAINING. IT WAS AGREED THAT THE PRESENT ARTICLE 5 WOULD REMAIN SEPARATE RATHER THAN BE APPENDED TO ARTICLE 3 AS PERU AND ORIGINALLY SUGGESTED.

9. AMBASSADOR MAILLIARD EXPLAINED THE U.S. VOTE. HE SAID THAT THE U.S. WOULD HAVE PREFERRED THE NICARAGUAN ORIGINAL COSTA RICAN PROPOSAL, BUT IN THE SPIRIT OF HARMONY WE HAD SOUGHT TO PERFECT THE SPECIAL COMMITTEE TEXT ON THE UNDERSTANDING THAT IT WOULD GET MUCH BROADER BACKING FROM THE MEMBERS. HE NOTED THAT IT HAD THE SAME PRACTICAL EFFECT.

10. COMMENT: WE ARE PLEASED WITH THE OUTCOME ON THESE TWO KEY ARTICLES. DESPITE TEXTUAL DEPARTURES FROM THE EXISTING GREATY, SUBSTANTIVE INTEGRITY OF THESE ARTICLES HAS BEEN MAINTAINED. WE ALSO BELIEVE IT HIGHLY SIGNIFICANT THAT NEAR-UNANIMOUS VOTES WERE OBTAINED IN FAVOR OF THESE TEXTS. WE ARE PARTICULARLY PLEASED THAT MEXICO, WHICH HAS BEEN ONE OF THE CHIEF CRITICS OF THE TREATY IN THE SPECIAL COMMITTEE AND ELSEWHERE, WAS PERSUADED TO ACCEPT LANGUAGE WITH ESSENTIALLY THE SAME SUBSTANTIVE EFFECT AS THE PRESENT TREATY.

11. PLEASE PASS ALL OAS DIPLOMATIC POSTS.  
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